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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/693,539
Filing Date: October 24, 2003
Appellant(s): SYLVAIN, DANY

MAILED

MAR 13 2007

Technology Center 2600

John R. Witcher, III
(Reg. No. 39877)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/28/06 appealing from the Office action
mailed 6/14/2006.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

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The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6154650	Abidi et al	5-1998
5260988	Schellinger et al	11-1993
6445921	Bell	10-2002
5722068	Bartle et al	2-1998
2002/0106028 A1	Thyssen	8-2002
2004/0132485	Charney et al	7-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5, 8-17, 21-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abidi et al (U.S. Patent 6154650) in view of Schellinger et al (U.S. Patent 5260988).

Regarding Claim 1 and 22, Abidi teaches a) a wireline network interface (Col.2;66-67); b) a local wireless interface (Fig.1;54, i.e cordless base station) providing a communication zone (Fig.1;58) in which communications with a mobile terminal are possible (Col.3;63-65), the mobile terminal associated with a primary directory number (Col.3;33-36) and adapted to communicate with the local wireless interface to facilitate a call through a wireline network (Col.3;63-Col.4;6) and communicate with a wireless network to facilitate a call through the wireless network (Col.3;15-20); and c) a control system cooperating with the wireline network interface and the local wireless interface (Col.5;44-53, cordless base station) and adapted to: i) establish through the wireline network a first call involving the mobile terminal by communicating with the wireline network via the wireline network interface (Col.5;44-53, cordless base station, more specifically, the processor) and communicating with the mobile terminal via the local wireless interface (i.e. cordless base station; the processor is a component of the cordless base station, therefore communicates with the mobile terminal via the local wireless interface); however Abidi **is silent on** ii) during the first call, detecting the mobile terminal moving out of the communication zone; and iii) initiate a transition of the first call being connected to the mobile terminal through the wireline network via the local wireless interface to the first call being connected to

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the mobile terminal through the wireless network using a temporary directory number.

Schellinger teaches during a call, detecting a mobile station moving out of the communication zone (Col.8;54-59, a skilled artisan knows that a mobile station moving out of a communication zone results in decreasing received signal quality); and initiate a transition of the first call being connected to the mobile terminal through the wireline network via the local wireless interface to the first call being connected to the mobile terminal through the wireless network using a temporary directory number (Col.8;29-34 and Col.8;44-48, the cellular leg of the 3 way call is the temporary directory number). To the examiner a directory number is a phone number or a number assigned to the mobile station.

Schellinger teaches that the cordless system would be preferred due the greater cost of using the cellular service (Col.3;32-34 and Col.9;40-46), so one of ordinary skill in the art would envision the primary directory number to be the landline leg and the temporary directory number be the cellular leg.

To one of ordinary skill in the art, it would have been obvious to modify Abidi, such that the mobile terminal moving out of the communication zone is detected and the call is transitioned from the wire-line network to the wireless network using a temporary directory number, to provide a method of maintaining service quality and keeping service costs as low as possible.

Regarding Claim 2 and 23, the combination as discussed above teaches all the limitations as recited in claim 1 and 22, and Abidi teaches the mobile

terminal is registered with the wireless network while the first call is established (Col.4;30-39, when the mobile is in the cellular region it is registered with the wireless network).

Regarding Claim 3 and 24, the combination as discussed above teaches all the limitations as recited in claim 1 and 22, and Schellinger teaches the control system (i.e. cordless base station) is further adapted to request the temporary directory number from the wireline network (Col.8;29-34, the control system is responsible for obtaining the temporary directory number, i.e. cellular phone number).

Regarding Claim 4 and 25, the combination as discussed above teaches all the limitations as recited in claim 1 and 22, and Schellinger teaches the transition is initiated by sending a message (Col.8;29-31, the request is a message) configured to initiate establishing a wireless network connection to the mobile terminal through the wireless network using the temporary directory number associated with the mobile terminal (Col.8;29-34 and Col.8;44-48, the cellular phone number i.e. cellular leg is used to connect the mobile terminal through the wireless network); connecting the first call to the wireless network connection (Col.8;44-48), and dropping a wire-line network connection with the mobile terminal (Col.8;49-51, ends land-line leg).

Regarding Claim 5, the combination as discussed above teaches all the limitations as recited in claim 1, and Abidi teaches the wireline network interface is a traditional telephony line interface (Col.2;66-67).

Regarding Claim 8 and 26, the combination as discussed above teaches all the limitations as recited in claim 1 and 22 , and Schellinger teaches the transition is initiated by sending a message (Col.8;30, i.e. request) intended for a wireline switch (Col.8;30-31, i.e. cordless base station) and configured to cause the wireline switch to transfer the first call (Col.8;31, i.e. handoff) to the mobile terminal through the wireless network using the temporary directory number (Col.8;29-34, i.e. users cellular telephone number). To the examiner a wireline switch could be a cordless base station. The base station is responsible for switching connection to the mobile station from a wireline network to a wireless network.

Regarding Claim 9 and 27, the combination as discussed above teaches all the limitations as recited in claim 1 and 22, and Schellinger teaches the transition is initiated by sending a message (Col.8;30, i.e. request) intended for a wireline switch (Col.8;30-31, i.e. cordless base station) and configured to cause the wireline switch to establish a three-way call (Col.8;32-34) based on the first call to the mobile terminal through the wireless network using the temporary directory number (Col.8;29-34, i.e. users cellular telephone number). To the examiner a wireline switch could be a cordless base station. The base station is responsible for switching connection to the mobile station from a wireline network to a wireless network.

Regarding Claim 10 and 28, the combination as discussed above teaches all the limitations as recited in claim 9 and 27, and Schellinger teaches

the control system is further adapted to send a second message intended for the wireline switch and configured to instruct the wireline switch to drop a wireline network connection (Col.8;44-53, when the PCC answers the cellular leg of the three way call, one of ordinary skill in the art would envision a message is sent to the switch (i.e. cordless base station) so that it knows to end the landline leg of the three way call).

Regarding Claim 11 and 29, the combination as discussed above teaches all the limitations as recited in claim 1 and 22, and wherein the mobile terminal is also associated with a wireline network directory number, such that incoming calls for the mobile terminal directed to the wireline network directory number are established via the wireline network (Col.6;43-46) and incoming calls for the mobile terminal directed to the temporary directory number are established via the wireless network (Col.6;61-63).

Regarding Claim 12 and 30, the combination as discussed above teaches all the limitations as recited in claim 1 and 22, and the control system (i.e. processor) includes a signal processing function adapted to provide any necessary conversion of signals between the wireline network interface and the local wireless interface (Col.5;36-26-31, converter).

Regarding Claim 13-16 and 31-34, the combination as discussed above teaches all the limitations as recited in claim 1 and 22, and the control system (i.e. processor) is adapted to detect the mobile terminal moving out of the communication zone by detecting a bit error rate, a degradation in quality, an

inability to communicate with the mobile terminal, a decrease in signal strength associated with communications with the mobile terminal via the local wireless interface surpassing a defined threshold (Col.8;54-59, to one of ordinary skill in the art, it is obvious that handing off communications includes comparing the measured signal quality to a defined threshold).

Regarding Claim 17 and 35, the combination as discussed above teaches all the limitations as recited in claim 1 and 22, and Schellinger teaches the local wireless interface is adapted to support communications with the mobile terminal using cordless telephone technology (Fig.1;115).

Regarding Claim 21 and 40, the combination as discussed above teaches all the limitations as recited in claim 1 and 22, and Schellinger teaches the control system (Col.8;30, i.e. cordless base station) is further adapted to detect a signal (Col.8;31, i.e. request) from the mobile terminal (Col.8;29-34) and initiate the transition of the first call being connected to the mobile terminal through the wireline network via the local wireless interface to the first call being connected to the mobile terminal through the wireless network (Col.8;29-50), the signal from the mobile terminal responsive to a user of the mobile terminal requesting the transition (Col.8;54-59).

2. Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Abidi et al (U.S. Patent 6154650) and Schellinger et al (U.S. Patent 5260988) in further view of Thyssen (U.S. Pub 2002/0106028).

Regarding Claim 6, Abidi and Schellinger teach all the limitations as recited in claim 1, however the combination **is silent on** the wireline network interface being a voice over packet interface.

Thyssen teaches wireline networks may include voice over IP networks (Par.20). To one of ordinary skill it is obvious that the wireline network interface is a voice over packet interface.

To one of ordinary skill in the art, it would have been obvious to one of ordinary skill in the art to modify Abidi and Schellinger, such that the wireline network interface is a voice over packet interface, to provide a method of transmitting data over the internet and bypass the charges associated with a typical phone call.

3. Claim 7,20, and 38 rejected under 35 U.S.C. 103(a) as being unpatentable over Abidi et al (U.S. Patent 6154650) and Schellinger et al (U.S. Patent 5260988) in further view of Bell (U.S. Patent 6445921).

Regarding Claim 7, Abidi and Schellinger teaches all the limitations as recited in claim 1, however the combination **is silent on** the wireless network being one of the group consisting of TDM, CDMA, and OFDM.

Bell teaches a mobile station operable in a cellular network and a cordless base station region and the wireless network being of CDMA type (Col.2:34-44).

To one of ordinary skill in the art it would have been obvious to modify Abidi and Schellinger, such that the wireless network being one of the group

consisting of TDM, CDMA, and OFDM, in order to provide wireless communications to a user.

Regarding Claim 20 and 38, the combination as discussed above teaches all the limitations as recited in claim 1 and 22, however the combination **is silent on** the local wireless interface is adapted to support communications with the mobile terminal using Bluetooth technology.

Bell teaches that the local wireless interface is adapted to support communication with the mobile terminal using Bluetooth technology (Col.2;38-44).

To one of ordinary skill in the art, it would have been obvious to modify Abidi and Schellinger, such that the local wireless interface is adapted to support communications with the mobile terminal using Bluetooth technology, to provide a low cost method of short range wireless voice and data links between devices.

4. Claims 18,19,36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abidi et al (U.S. Patent 6154650) and Schellinger et al (U.S. Patent 5260988) in further view of Charney et al (U.S. Pub. 2004/0132485).

Regarding Claim 18 and 36, Abidi and Schellinger teach all the limitations as recited in claim 1 and 22, however the combination **is silent on** the local wireless interface is adapted to support communications with the mobile terminal using wireless local area network telephone technology.

Charney teaches a local wireless interface is adapted to support communications with the mobile terminal using wireless local area network telephone technology (Par.28).

To one of ordinary skill in the art it would have been obvious to modify Abidi and Schellinger, such that the local wireless interface is adapted to support communications with the mobile terminal using wireless local area network telephone technology, to provide a method of supporting simultaneous communications via a plurality of communication channels within the cordless telephone system.

Regarding Claim 19 and 37, the combination as discussed above teaches all the limitations as recited in claim 18 and 36, and Charney further teaches the wireless local area network technology is based on 802.11 standards (Par.28).

5. Claim 39 rejected under 35 U.S.C. 103(a) as being unpatentable over Abidi et al (U.S. Patent 6154650) and Schellinger et al (U.S. Patent 5260988) in further view of Bartle et al (U.S. Patent 5722068).

Regarding Claim 39, Abidi and Schellinger teach all the limitations as recited in claim 22, however the combination **is silent on** inserting a signal into a voice path for the first call prior to initiating the transition to warn parties to the first call of a transfer.

Bartle teaches inserting a signal into a voice path for the first call prior to initiating the transition to warn parties to the first call of a transfer (Abstract:3-9, and Abstract:14-15, and Abstract:25-31).

To one of ordinary skill in the art it would have been obvious to modify Abidi and Schellinger, such that a signal is inserted into a voice path for the first call prior to initiating the transition to warn parties to the first call of a transfer, to provide a method of notifying the user of an imminent communication mode change in a dual mode cellular telephone.

(10) Response to Argument

A. Introduction

- Appellant argues that Schellinger's three way call does not disclose using a temporary directory number to initiate a transition of the first call being connected to the mobile terminal through the wireline network via the local wireless interface to the first call being connected to the mobile terminal through the wireless network, as recited in the claims therefore, the references, alone or in combination, fail to teach or suggest the temporary directory number of the claimed invention.

The examiner respectfully disagrees. The recited claim language does not specify what a temporary directory number is. To the examiner the mobile station can be in either the cordless region or the cellular region, and as the mobile station switches between the two, the mobile station will be associated with the respective directory number (Col.6:22-34). When the mobile station is in the cordless region the cordless number is associated with the mobile station (i.e. primary number) and as it travels to

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the cellular region to produce the handover, the mobile station is in a three way call with the cellular number (Col.8;29-34), which the examiner interprets to be the temporary number, temporary because the cellular number is only a number which is assigned to the mobile for a non-specified amount of time. As soon as the mobile roams back to the cordless region the mobile stations primary number will switch back over to the cordless number. Essentially both the cellular and cordless numbers are temporary, however it just happens to be that the mobile is in the cordless region and is assigned to the cordless number (i.e. primary number). At that time the examiner considers the cordless number to be the primary number and the cellular phone number, which is available for use, is interpreted to be the temporary number by the examiner. Therefore Schellinger teaches using a temporary directory number to initiate a transition of the first call being connected to the mobile terminal through the wireline network via the local wireless interface to the first call being connected to the mobile terminal through the wireless network, as recited in the claims therefore, the references teach or suggest the temporary directory number of the claimed invention.

- Appellant argues that even if any of the references disclosed each of the elements in the claims, a point which Appellant does not concede, there is no motivation to combine the teachings in each of the references. The examiner has failed to provide evidentiary support for his teachings in each of the references. It is not appropriate for the examiner to reach conclusions based on his own understanding or experience, or based on his opinion of what would be basic knowledge, without evidentiary support.

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The examiner respectfully disagrees. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the examiner has provided a motivation, "To one of ordinary skill in the art, it would have been obvious to modify Abidi, such that the mobile terminal moving out of the communication zone is detected and the call is transitioned from the wire-line network to the wireless network using a temporary directory number, to provide a method of maintaining service quality and keeping service costs as low as possible" and the examiner would like to further note that obviousness can be established by a motivation found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. This motivation can be found in the Abidi reference (Col.1;35-47 and Col.2;1-11) and it would have been obvious to combine the two references since both references teach associating the mobile station with either a cordless or cellular phone number depending on the location of the mobile station. Therefore the references teach the temporary directory number of the claimed invention and there is motivation to combine the teachings. Therefore the examiner stands his ground on rejected claims 1-40.

B. Summary of the References

- 1. U.S. Patent No. 6154650 to Abidi**
- 2. U.S. Patent No. 5260988 to Schellinger**
- 3. U.S. Patent Application Publication 2002/0106028 to Thyssen**
- 4. U.S. Patent No. 6445921 to Bell**
- 5. U.S. Patent Application Publication No. 2004/0132485 to Charney**
- 6. U.S. Patent No. 5722068 to Bartle**

In response to applicant's arguments against the references 1-6 individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

C. Legal Standards for Establishing Obviousness

- Appellant argues that the references are not combinable and it is impermissible to pick and choose elements from the prior art while using the application as a template and after the combination is made the combination must still teach or fairly suggest all of the claim elements.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was

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within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971) and after the combination is made the combination teaches or fairly suggests all of the claim elements as can be seen in the rejection therefore the claims are not allowable.

D. Claims 1-5, 8-17, 21-35, and 40 Are Non-Obvious Because the Combination of Abidi and Schellinger Does Not Teach or Suggest using a Temporary Directory Number.

- Appellant argues that the three way call in Schellinger specifies that the cellular phone number is a normal directory number and under any reasonable interpretation, the cellular phone number is not a temporary directory number.

The examiner respectfully disagrees. The recited claim language does not specify what a temporary directory number is. To the examiner the mobile station can be in either the cordless region or the cellular region, and as the mobile station switches between the two, the mobile station will be associated with the respective directory number (Col.6;22-34). When the mobile station is in the cordless region the cordless number is associated with the mobile station (i.e. primary number) and as it travels to the cellular region to produce the handover, the mobile station is in a three way call with the cellular number (Col.8;29-34), which the examiner interprets to be the temporary number, temporary because the cellular number is only a number which is assigned to

the mobile for a non-specified amount of time. As soon as the mobile roams back to the cordless region the mobile stations primary number will switch back over to the cordless number. Essentially both the cellular and cordless numbers are temporary, however it just happens to be that the claimed subject matter is with respect to the mobile station located in the cordless region and is assigned to the cordless number (i.e. primary number). In the embodiment of Schellinger, where the mobile station is located in the cordless base station region, the examiner considers the cordless number to be the primary number and the cellular phone number, which is available for use, is interpreted to be the temporary number by the examiner. Therefore Schellinger teaches using a temporary directory number to initiate a transition of the first call being connected to the mobile terminal through the wireline network via the local wireless interface to the first call being connected to the mobile terminal through the wireless network, as recited in the claims therefore, the references teach or suggest the temporary directory number of the claimed invention.

- Appellant argues that Schellinger does not teach or suggest "the mobile terminal associated with a primary directory number" as claimed in claim 1.

The examiner respectfully disagrees. The Schellinger reference clearly teaches that the mobile station is associated with landline phone number (i.e. primary) if it is located in the cordless region (Col.6:31-35). The fact that a call is directed to the landline phone number in order to establish a call with the mobile station indicates that the mobile terminal is associated with the landline phone number (i.e. primary directory number), where associated is defined as "connected to or in relation".

- Appellant argues that the plain meaning of the claim language is that a temporary directory number is used for the purpose of initiating a transfer of the first call being connected to the mobile terminal through the wireline network via the local wireless interface to the first call being connected to the mobile terminal through the wireless network.

The examiner respectfully disagrees. To the examiner a temporary directory number is a number which is temporarily utilized, however the appellant considers a temporary directory number to be as specified in the Specification. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the definition of temporary directory number) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore the references do teach the temporary directory number recited in claim 1 and since the references do teach the claimed element, the combination of references can teach or suggest each and every claim element, so therefore claim 1 is not allowable. Claims 2-5, 8-17, and 21 depend from claim 1 and are obvious for at least the same reasons. Claims 23-35 and 40 depend from claim 22 and also are obvious for at least the same reasons.

E. Claim 6 Is Non-Obvious over the Combination of Abidi, Schellinger, and Thyssen

- Appellant argues that the Patent Office has not properly supported the motivation to combine the references and that the motivation provided, "to provide a method of transmitting data over the internet and bypass the charges associated with a typical phone call". This motivation lacks the evidence required by the Federal Circuit and is therefore improper.

The examiner respectfully disagrees. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, although the evidence to support the motivation is not included in the references, the motivation "to provide a method of transmitting data over the internet and bypass the charges associated with a typical phone call" is something a person of ordinary skill in the art is well aware of. Therefore, to one of ordinary skill in the art, it would have been obvious to provide this motivation even without the evidence provided in the references, since it is known in the art to incorporate voice over internet protocol for those reasons provided. Therefore a proper motivation is provided, the combination is proper. Since the combination of references teach each and every claim element, therefore claim 6 is not allowable.

F. Claims 7, 20, and 38 Are Non-Obvious Over the Combination of Abidi, Schellinger, and Bell

- Appellant argues that the Patent Office has not properly supported the motivation to combine the references and that the motivation provided, "to provide wireless communications to a user or to provide a low cost method of short ranges wireless voice and data links between devices". This motivation lacks the evidence required by the Federal Circuit and is therefore improper.

The examiner respectfully disagrees. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Bell clearly teaches in Col.1; lines 30-38 that an advantage of incorporating Bluetooth with a PCS/cellular handset is for the lost cost. Since the motivation is proper the combination is proper and obviousness has been established. Further, Abidi and Schellinger both teach a temporary directory number as can be seen in above in section A and D of the examiners answer, therefore the references teach the claimed element, therefore claims 7, 20, and 38 are not allowable. Therefore a proper motivation is provided, the combination is proper. Since the combination of references teach each and every claim element, therefore claims 18, 19, 36, and 37 are not allowable.

G. Claims 18, 19, 36, and 37 Are Non-Obvious Over the Combination of Abidi, Schellinger, and Carney

- Appellant argues that the Patent Office has not properly supported the motivation to combine the references and that the motivation provided, "to provide a method of supporting simultaneous communications via a plurality of communication channels within the cordless telephone system". This motivation lacks the evidence required by the Federal Circuit and is therefore improper.

The examiner respectfully disagrees. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Charney teaches in Par.7 that the base unit supports simultaneous communications via a plurality of communication channels within the cordless telephone system (Par.7 and Par.28).

H. Claim 39 Is Non-Obvious Over the Combination of Abidi, Schellinger, and Bartle

- Appellant argues that the combination does not teach each and every element of claim 39. Claim 39 depends from claim 22 and contains all of the limitations of claim 22. As explained above Abidi and Schellinger does not teach the use of a temporary directory number, as claimed in claim 22. Since the combination does not teach every claimed element claim 39 is allowable.

The examiner respectfully disagrees. Abidi and Schellinger teaches that a temporary directory number as can be seen in above in section A and D of the examiners answer. Therefore the combination of references teach each and every claim element so claim 39 is not allowable.

I. Conclusion

- Appellant argues that the three way call in Schellinger specifies that the cellular phone number is a normal directory number and under any reasonable interpretation, the cellular phone number is not a temporary directory number.

The examiner respectfully disagrees. The recited claim language does not specify what a temporary directory number is. To the examiner the mobile station can be in either the cordless region or the cellular region, and as the mobile station switches between the two, the mobile station will be associated with the respective directory number (Col.6;22-34). When the mobile station is in the cordless region the cordless number is associated with the mobile station (i.e. primary number) and as it travels to the cellular region to produce the handover, the mobile station is in a three way call with the cellular number (Col.8;29-34), which the examiner interprets to be the temporary

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number, temporary because the cellular number is only a number which is assigned to the mobile for a non-specified amount of time. As soon as the mobile roams back to the cordless region the mobile stations primary number will switch back over to the cordless number. Essentially both the cellular and cordless numbers are temporary, however it just happens to be that the claimed subject matter is with respect to the mobile station located in the cordless region and is assigned to the cordless number (i.e. primary number). In the embodiment of Schellinger, where the mobile station is located in the cordless base station region, the examiner considers the cordless number to be the primary number and the cellular phone number, which is available for use, is interpreted to be the temporary number by the examiner. Therefore Schellinger teaches using a temporary directory number to initiate a transition of the first call being connected to the mobile terminal through the wireline network via the local wireless interface to the first call being connected to the mobile terminal through the wireless network, as recited in the claims therefore, the references teach or suggest the temporary directory number of the claimed invention.

- Appellant further argues that there is no motivation to combine the teachings in each of the references.

The examiner respectfully disagrees. See the above A-H which shows that there is motivation to combine the teachings in each of the references. Therefore the references teach each and every element of the claimed invention, the combinations do establish obviousness. For these reasons the examiner rejects claims 1-40.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Wesley Kim




Conferees:

George Eng



GEORGE ENG
SUPERVISORY PATENT EXAMINER

Duc Nguyen



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